
A Guide to an Employer's Role in the Child Support Program

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MODULE 1. INTRODUCTION

This training explains the child support program and legal requirements for new hire reporting, income withholding, medical support, payment disbursement, and termination reporting of employees.

This training is for you if:

You are:	And are:
Payroll, personnel, or human resources staff	Responsible for new hire reporting, income withholding, medical support, and payment remittance
Federal staff	Responsible for training payroll, personnel, or human resources staff
State or local child support program staff	Responsible for employer outreach

WHAT WILL I LEARN IN THIS COURSE?

At the end of this course, you will be able to:

- Name and describe the four basic employer responsibilities to the child support program
- Explain why employer cooperation is important
- Name the purpose, benefits, and how to comply with the New Hire Reporting program
- Calculate the correct amount of withholding
- Calculate the allowable disposable income in a case exercise
- Prioritize special requirements for multiple child support orders and additional garnishments and levies
- Describe how to handle medical support orders and how to ensure children receive medical insurance that is part of a child support order
- Explain where to find state-specific requirements for child support withholdings
- Describe where, when, and how child support payments should be sent
- Determine when child support income withholding orders take priority over other garnishments and withholdings and find resources for additional information

TRAINING NOTES

- Welcome participants
- Introduce trainers and any subject area experts
- Review course agenda and schedule
- Review physical arrangements by giving location and directions for:
 - rest rooms
 - snack and break room and places for lunch
- Ask participants to introduce themselves and to give their learning goals

WHAT IS MY TRAINING SCHEDULE?

9:00	9:30	Section 1 – Introduction
9:30	10:00	Section 2 – Child Support Basics
10:00	10:30	Section 3 – New Hire Reporting and Employment Verification
10:30	10:45	Break
10:45	12:00	Section 4 – Income Withholding
12:00	1:00	Lunch
1:00	2:15	Section 4 – Income Withholding (continued)
2:15	2:30	Break
2:30	2:45	Section 5 – Payment Disbursement
2:45	3:15	Section 6 – Reporting Terminations
3:15	3:30	Section 7 – Summary and Review

MODULE 2. CHILD SUPPORT BASICS

WHAT WILL I LEARN IN THIS SECTION?

At the end of this module, you will be able to:

- Provide a general description of the child support program
- Briefly describe the origins of the child support program
- Identify the four primary services offered by the child support program
- Identify the employer requirements for child support

WHAT IS CHILD SUPPORT?

- Child support is the amount of money a parent is ordered to pay for the support of his or her child or children when that parent does not live with them. Standardized state guidelines determine the amount ordered. They consider the parents' income, the needs of the child, and whether there are other dependents.
- Child support includes medical support. A child support order includes medical support that may be medical insurance coverage or cash medical support or both. Cash medical support is a payment for a child's medical expenses.

TRAINING NOTES

- Ask participants to give reasons why we have a Child Support Program.
- Families are not like those of the 1950s and earlier.
- We are more like “Modern Family.”

FEDERAL EMPLOYERS ONLY NOTES

- As the largest employer in the United States, federal agencies play an important role in collecting and remitting child support payments.

WHAT IS THE CHILD SUPPORT PROGRAM?

WHAT:

The government program responsible for:

- Establishing paternity and child support orders
- Collecting payments
- Sending payments to the custodial party (CP)
- Enforcing medical support orders

WHEN:

- Established by Congress in 1975

WHY:

- To reimburse the government for public assistance and to help families seeking support for their children

WHERE:

At the federal, state, and local levels of government

- **Federal Program:** The Office of Child Support Enforcement (OCSE), Administration for Children and Families, U.S. Department of Health and Human Services, provides program funding; sets program policy, standards and regulations; evaluates and audits the state programs; provides technical assistance and training to states; and operates the Federal Parent Locator Service (FPLS) that includes a database to help states find newly hired employees or noncustodial parents (NCPs) who are reported by employers (National Directory of New Hires [NDNH]).
- **State Programs:** Provide direct child support services to families; operate the automated child support computer system required in each state; process payments at a single, centralized site (state disbursement unit [SDU]); and maintain a registry of all child support cases (State Case Registry [SCR]) and a database of all newly hired employees (State Directory of New Hires [SDNH]).
- **Tribal Programs:** Provide child support services to tribal members. While tribes must use the Office of Management and Budget (OMB)-approved Income Withholding for Support (IWO) form, they do not have a disbursement unit. Send payments to the payee on the IWO.

WHAT IS THE CHILD SUPPORT PROGRAM? (CONTINUED)

- More [information](http://www.acf.hhs.gov/programs/css/resource/what-employers-should-know-when-working-with-tribes) (<http://www.acf.hhs.gov/programs/css/resource/what-employers-should-know-when-working-with-tribes>) about working with tribes is available on the OCSE website.

TRAINING NOTES

- The federal OCSE provides general guidelines and regulations that states must follow, plus training and technical assistance. Each state runs its child support program within those guidelines.
- The child support program began as a way to recover the public assistance costs; later it became available to all citizens by application and became a program to provide consistent support to families.
- FPLS runs cross-matches between its two major databases, a directory of all newly hired employees (plus quarterly wage and unemployment insurance data) and a registry of case abstracts for all child support cases in the country. Each SDNH sends data to the NDNH. State child support agencies seeking information about case participants receive interstate matches or “hits.”

FEDERAL AGENCY EMPLOYER NOTES

Establish background with the following introductory note: Executive Order #12953, February 27, 1995, says that the federal government is “a model employer in promoting and facilitating the establishment and enforcement of child support.”

- The Executive Order begins, “[c]hildren need and deserve the emotional and financial support of both their parents.” It goes on to say, “Federal Government, through its civilian employees and Uniformed Services members, is the Nation’s largest single employer and as such should set an example of leadership and encouragement in ensuring that all children are properly supported.”
- Federal agencies must do the following:
 - Assist in the service of legal process in civil cases to establish paternity and to establish and enforce a support obligation
 - Provide complete, timely, and accurate information to the FPLS
 - Advise employees and those applying for jobs about child support services authorized under the Social Security Act

WHAT IS THE CHILD SUPPORT PROGRAM? (CONTINUED)

- **IV-D and Non-IV-D:** There are two types of child support orders and cases: IV-D and non-IV-D. The term “IV-D” refers to the section of the Social Security Act that established and regulates the program.
 - **IV-D:** A case managed by a state or county child support agency. The child support agency receives Temporary Assistance for Needy Families (TANF) cases automatically. Anyone may apply for services.
 - **Non-IV-D:** A child support order handled by a private attorney, the parents, or other parties who are not working for a state or county or tribal child support agency.

WHAT FOUR BASIC SERVICES DO STATE CHILD SUPPORT PROGRAMS PROVIDE?

- Locate NCP
- Establish paternity
- Establish and modify child support orders
- Collect child support and send payments to the CP or tribal payee

WHAT ARE THE FOUR BASIC REQUIREMENTS FOR EMPLOYERS?

- Report new and re-hired employees and answer requests for employment verification
- Withhold child support payments and premiums (or income) for medical insurance
- Send payments to the SDU or tribal payee unless the order meets the exceptions discussed later
- Report employee terminations

TRAINING NOTES

- **LOCATE:** Finding missing information about NCPs whose whereabouts are unknown. Examples of missing information are Social Security numbers (SSN), addresses, dates of birth, places of employment, and financial assets.
- **PATERNITY ESTABLISHMENT:** Legally establishing fatherhood through genetic testing or voluntary acknowledgment; establishing paternity is necessary before ordering child support.
- **ORDER ESTABLISHMENT:** Collecting child support or providing medical support cannot occur until a child support order is in place. A court or a state or tribal child support agency may establish the order. Each state or tribe has its own guidelines for setting the amount of child support, based on parental income and the child's needs.
- **COLLECTION:** Once the child support order is in place, collection is made through a number of tools, including:
 - Income withholding
 - Intercept of federal and state tax refunds and lottery winnings
 - Insurance payment, settlement, or award intercepts
 - Asset seizure
 - Passport denial
 - License suspension or revocation (driver's, professional, commercial, and recreational)
- **PAYMENT:** After the child support agency collects money, it divides the payment between cases, if necessary, and sends the correct amount to the family or families (or to the state if the family receives or previously received public assistance). This division of the payment follows federal and state rules. Tribal support orders may include noncash payments (also known as "in-kind" payments).
- **Why are employers important?** They withhold and pay about 74 percent of all child support collected—the largest source of child support payments.

MODULE 3. NEW HIRE REPORTING AND EMPLOYMENT VERIFICATION

WHAT WILL I LEARN IN THIS SECTION?

At the end of this module, you will be able to:

- Identify the purpose and benefits of the New Hire reporting program
- Identify the seven data elements required for New Hire reporting

WHAT IS NEW HIRE REPORTING?

WHAT:

- All employers must report every newly hired or rehired employee to the SDNH and federal employers must report them to the NDNH.
- Rehired employees are those separated 60 consecutive days or less depending on state law.

WHY:

- Locates parents quickly
- Helps with child support cases when parents and children are in different states
- Prevents or reduces fraud in public assistance programs
- Prevents or reduces unemployment insurance (UI) and workers' compensation fraud

HOW:

- Report the seven data elements below:
 - Employee name
 - Employee SSN
 - Employee address
 - Employer name
 - Federal Employer Identification Number (FEIN)
 - Employer address
 - Date pay for services began or began again after a separation of 60 days or less (date of hire or re-hire)

WHEN:

- Timeframes for employers:
 - Report new hires within 20 days of date of hire **or**
 - File electronically in two monthly transmissions not fewer than 12 or more than 16 days apart.
 - Multistate employers may report to one state in which they have employees and must register (<http://www.acf.hhs.gov/programs/css/resource/new-hire-reporting-for-private-sector-employers>) as a multistate employer.

TRAINING NOTES

- New Hire reporting saves taxpayers money by reducing fraud and improper payments in some government programs.
- New Hire reporting saves employers money by reducing UI workers' compensation fraud. This keeps employers' insurance rates low.
- New Hire reporting helps interstate case processing, the most difficult kind of cases to enforce.
- Some states require more data elements from private employers than the seven listed on page 3-1 in the "How" paragraph.

FEDERAL AGENCY EMPLOYER NOTES:

- Federal agencies report directly to the NDNH.

Note: Turn to Appendix A: Federal Agencies – What is New Hire Reporting for Federal Agencies?

WHAT IS EMPLOYMENT VERIFICATION?

WHAT:

- A request to verify an employee's employment status, wages, and benefits. These requests come from child support agencies and a variety of sources, such as credit card and mortgage companies, employment agencies, or private collection agencies.
- Verification requests from child support agencies usually relate to:
 - Locating a NCP
 - Wages and other financial resources
 - Availability of health insurance

WHY:

- Sometimes child support agencies need specific and current information to establish or modify orders.
- Courts may require that state agencies provide verification.
- You must respond promptly and as fully as possible when you receive a verification request.

HOW:

- Complete information requested in letters, subpoenas, state-issued forms, or attorney requests, **or**
- Complete the [standard Verification of Employment response form](http://www.acf.hhs.gov/programs/css/resource/standard-response-to-verification-of-employment-form) (<http://www.acf.hhs.gov/programs/css/resource/standard-response-to-verification-of-employment-form>) and send it to [states](http://www.acf.hhs.gov/programs/css/resource/acceptance-of-standard-verification-of-employment-voe-response) (<http://www.acf.hhs.gov/programs/css/resource/acceptance-of-standard-verification-of-employment-voe-response>) that accept the form.
 - State child support agencies may contact you for additional information not included on the form.

TRAINING NOTES

- Requirements, such as response deadlines and data you must report, vary from state to state.
- Timely responses are critical and often required by law.
- Others, including some federal agencies, outsource the handling of employment verifications to vendors offering this service.
- If the vendor cannot supply information needed by the state child support agency, the employer must supply it.

MODULE 4. INCOME WITHHOLDING

WHAT WILL I LEARN IN THIS SECTION?

At the end of this module, you will be able to:

- Calculate the correct amount of child and medical support to withhold. The IWO may contain either child support or medical support or it may contain both.
- Calculate the allowable disposable income in a case exercise
- Prioritize payments when there are multiple child support orders and other garnishments and levies
- Know how to handle medical support orders
- Determine when to withhold child support payments before other garnishments and withholdings

TRAINING NOTES

- Income withholding is the single most effective tool for collecting child support.
- Some people use the terms wage garnishment, wage withholding, wage assignment, income deduction, or withholding from earnings instead of income withholding.
- Federal and state laws require income withholding in almost all cases. This does not mean that the NCP has not been paying child support.
- Garnishments for child support are different than other kinds of garnishments. You can garnish more money for child support than for other garnishments.

FEDERAL AGENCY EMPLOYER NOTES:

- Appendix C provides Sections 581.103 and 581.104 in Title 5, Volume 1 of the Code of Federal Regulations (Office of Personnel Management [OPM] regulations). These contain a list of the periodic benefits from which child support may and may not be deducted for federal employees. “Compensation for death,” for example, includes a monthly compensation for death from injury sustained in performance of duty and also for certain funeral and burial expenses.

If participants include Social Security Administration (SSA), Department of Veterans Affairs, Railroad Retirement Board, or OPM employees, refer them to [Working with Federal Benefit Agencies](http://www.acf.hhs.gov/programs/css/resource/working-with-federal-benefit-agencies) (<http://www.acf.hhs.gov/programs/css/resource/working-with-federal-benefit-agencies>).

WHAT IS INCOME WITHHOLDING AND HOW DOES IT APPLY TO EMPLOYERS?

WHAT:

- An income withholding order is a garnishment for child support owed. For orders issued after January 1, 1994, you must deduct child support each pay period and send it to the SDU. Exceptions to the rule of sending payments to the SDU are below:
 - support order initially issued in the state before January 1, 1994, and never modified; or
 - support order initially issued in the state before January 1, 1994, and has no arrearages; or
 - support order initially issued in the state before January 1, 1994, and is not enforced by a state child support agency
- Income includes any periodic form of payment due to an individual, regardless of source, including wages and salaries, commissions, bonuses, workers' compensation, disability, payments pursuant to a pension or retirement program, and interest.

HOW:

- You may receive an income withholding order from many entities, including a child support agency, a judge, an attorney, or a private child support agency. Anyone, including the CP, may send the IWO to an employer or income withholder. If anyone other than a state and tribal child support agency or a court sends you an IWO, the party must attach the underlying child support order.
- Anyone sending you an income withholding order for child support must use the OMB-approved IWO.
 - State law determines whether to send the IWO by first-class or certified mail, fax, hand, or other method.
 - At employer option or income withholder, states must use OCSE's [electronic income withholding order \(e-IWO\) process](http://www.acf.hhs.gov/programs/css/employers/e-iwo) (<http://www.acf.hhs.gov/programs/css/employers/e-iwo>) to transmit and receive e-IWO files by secure, electronic means. You may use e-IWO to notify states about:
 - the status of IWOs
 - employee terminations
 - upcoming lump sums payments

TRAINING NOTES

- The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 expanded the definition of income beyond wages.
- The PRWORA definition of income includes “bonuses” that are paid on a periodic basis (for example, an annual Christmas bonus), but there is no federal definition of “lump sums” for child support withholding. State laws may have broader definitions of income, including bonuses or lump sums.
- The Uniform Interstate Family Support Act, as adopted by each state, requires employers to accept direct income withholding orders from across state lines.
- The OMB-approved IWO, OMB 0970-0154, standardizes the withholding order form for everyone issuing a child support income withholding.

WHAT IS INCOME WITHHOLDING AND HOW DOES IT APPLY TO EMPLOYERS? (CONTINUED)

You must follow the IWO from the issuing state for some things; you must follow the law of the employee’s work state for others. See below.

Follow the law of	When dealing with
the issuing state	<ul style="list-style-type: none"> • Duration and amount of child support, both current and arrears • Medical support terms • Where to send payments • Payment of fees and costs charged (if any) by the state child support agency, issuing court or custodial party’s attorney
the employee’s work state	<ul style="list-style-type: none"> • When to begin withholding • When to send payments (this may be from one to seven days after payday) • Mandatory deductions • Maximum amount to be withheld (within Consumer Credit Protection Act [CCPA] limits) • How to allocate withholding across multiple child support orders • Administrative fee that employer is permitted to charge • Other terms and conditions that may be set by state law

TRAINING NOTES

- The IWO sent by the issuing state should be followed for some things; the law of the employee's work state governs other items as listed below:
 - You must follow the law of the **issuing state** for things only that state would know, such as where to send the payment, how much the payment should be, and whether medical support is ordered.
 - You must follow the law of the **employee's work state** or "principal place of employment" for things that are common to the employer's usual place of business, such as when to begin withholding, whether you can keep an administrative fee, and the maximum amount to withhold.
 - The intent is to make the employer's job easier because most employees work in the employer's state, and the employer will be familiar with and can easily apply the same laws for each withholding order.
- State and tribal child support agencies send IWOs to the designated agent of a federal agency for federal employees.
 - The title, mailing address, and telephone number of the agent is published each spring in the Federal Register (also, 5 CFR Parts 581 and 582).
 - The federal OCSE also maintains a list of current federal agency addresses for income and medical support on the [Contact and Program Information for Employers](http://www.acf.hhs.gov/programs/css/employers/employer-contact-program-information) (<http://www.acf.hhs.gov/programs/css/employers/employer-contact-program-information>) webpage.

INCOME WITHHOLDING FORM

The income withholding for support order [form](http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-form) (<http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-form>) is available on the OCSE website.

Top of Form: This section identifies the type of IWO (original; one-time lump sum; amended; terminated) and lets you know who sent it.

- Senders amend the form if:
 - there is no longer current support owed and only arrears are due
 - only current support is due and there are no longer arrears
 - the amount of support due changed
- Senders terminate the IWO when there is no support due, a child reaches the age of majority, the CP closes the case, or for other reasons
- You must review an IWO to determine if it is “regular on its face.” You may find more information about making the determination in the [IWO instructions](http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-instructions) (<http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-instructions>).
- If you receive an income withholding order that is not on the OMB-approved IWO form after May 31, 2012, (and the state sending it does not allow its use with subsequent employers), you should return it to the sender.
- You are not responsible for tracking the amount of past due support (also called “arrears”).

Order Information: This section tells you the amount to withhold for current support, arrears, medical support, and fees. It provides totals and breaks down payments for different payroll cycles. It includes current support, arrears, medical support, and other amounts to withhold, such as court fees.

TRAINING NOTES

- Ask participants to refer to the IWO form. The top of the form contains information about who is sending the form and about the employee.
 - Explain changes to the IWO form and process contained in [Action Transmittal 14-05](http://www.acf.hhs.gov/programs/css/resource/2014-revised-income-withholding-for-support-form-and-instructions) (<http://www.acf.hhs.gov/programs/css/resource/2014-revised-income-withholding-for-support-form-and-instructions>), 2014 Revisions to the IWO Form and Instructions.
 - Explain that child support agencies, courts, private attorneys, and others (including CPs and NCPs) must use the OMB-approved IWO form to direct the employer to withhold for child support. You should return nonstandard IWO forms to the sender.
 - Explain other reasons that allow employers to return IWOs contained in [Action Transmittal 11-05](http://www.acf.hhs.gov/programs/css/resource/revised-income-withholding-for-support-iwo-form) (<http://www.acf.hhs.gov/programs/css/resource/revised-income-withholding-for-support-iwo-form>).
 - Explain that the check box for arrears that are 12 weeks or greater is important in determining CCPA limits on withholding. The next section contains more detail.
 - Employers may also use the IWO to report terminations of employment.
- Explain that employers do not have to change a payroll cycle to adjust to the child support withholding; it works the other way around. Senders must provide amounts for withholding that fit all possible payroll cycles.
- If you receive more than one income withholding order for the same children and custodian for current support, be sure to contact all state agencies or senders involved as soon as possible. You may receive multiple income withholding orders for arrears owed to different parties, but only one order for a specific child for current support.
 - Continue to honor the first order that you received until and unless you receive official notice that you should honor a different order.
 - It is not the employer's responsibility to figure out which order is the one to follow.

Remittance Information: This section provides payment information. You must always follow the law of the employee's official duty station (principal place of employment or state of residence if employee has retired) to determine:

- When to begin withholding
- When to send payments after they are withheld
- Maximum that may be withheld (subject to state CCPA limits)
- How to prioritize withholdings
- How to allocate among orders when the employee or beneficiary has more than one family
- Administrative fees you may keep as an employer or income withholder
- Other terms and conditions set by state law
- This section also tells you where to send the payment

Return to Sender Check Box: If the IWO does not tell you to send the payment to the SDU, you must return it to the sender and request a new IWO with payment directed to the SDU. This applies to all entities (including courts and private attorneys) except tribes. Send the payment as directed if a tribal agency sends the IWO.

- Exception – There is an exception for child support orders that were entered before January 1, 1994, **and**
 - have never been modified
 - have no arrearages
 - are not state-enforced child support cases

Remember: Always comply with the terms of the order from the **issuing state** for:

- Duration and amount of child support, both current and arrears
- Person or agency who must receive the payments
- Payment of fees and costs
- Medical support terms

TRAINING NOTES

- Employers may charge their employees a minimal processing fee for handling the child support withholding.
- The [amount of the fee varies](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information>) from state to state.
- The signature of an official authorizing the IWO is optional unless state or tribal law requires it.
- The [IWO Training Presentation](http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-iwo-training) (<http://www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-iwo-training>) explains how to fill out the IWO form and may help employers understand the meaning of the fields on the form.

INCOME WITHHOLDING FORM (CONTINUED)

WHERE:

- An IWO may come from an agency, court, or other person in the employer's state, directly from another state, or from a tribe.

WHEN:

- You must send payments within seven business days of the day you make wage payments to the employee. Some states have a shorter time limit for making payment.

WHY:

- Income withholding is the most effective way to collect child support and accounts for approximately 74 percent of all collections.

HOW DO I COMPLY WITH INCOME WITHHOLDING AND MEDICAL SUPPORT ORDERS/NOTICES?

What to do when you receive an IWO for child support:

1. Document the date of receipt
2. Give a copy of the IWO to your employee if:
 - there is a check in the box on page two that tells you to give a copy to the employee or NCP
 - another state issued the IWO (also called an "intergovernmental case or order")
3. Determine whether the order is "regular on its face." See the IWO form instructions above

TRAINING NOTES

- What to do when you receive an IWO:
 - Note the date of receipt. This is important because the employer must take action within certain timeframes.
 - Review the order to determine if it is “regular on its face.” “Regular on its face” is a legal term that means you should look at the document and if the document looks like an official legal document, it is “regular on its face.”
 - An IWO that does not direct payments to the SDU (unless the underlying child support order was issued before January 1, 1994, and meets the conditions listed on page 5-14) and/or that is not on the OMB-approved IWO form is not “regular on its face” and must be returned to the sender. Other reasons are
 - the IWO does not contain all the information needed, is altered, or contains invalid information
 - the IWO contains percentages instead of dollar amounts
 - the IWO requires a copy of the underlying child support order and does not contain one
 - This list above does not give you all the reasons you might return an order but simply provides some examples of such reasons.
 - The IWO Instructions provide more guidance on what the IWO should contain.
- If you do not honor an order that is “regular on its face” issued by your own state or another state or tribe, there are mandatory fines and penalties that apply under the law of your state.

Note: Tell participants to turn to Appendix B: Exercise #1, Sample Case for Income Withholding.

Note: Turn to Appendix A: Federal Addresses for Withholding if you need the address to send an IWO to a federal agency employer.

FEDERAL AGENCY EMPLOYER NOTES

- Most (if not all) federal agencies require you to give a copy of the withholding order to the employee. Giving a copy of the withholding order to the employee helps avoid unfortunate surprises on the next pay date.

HOW DO I CALCULATE THE MAXIMUM TO WITHHOLD FOR AN EMPLOYEE?

WHAT:

- **Disposable income** is the amount of earnings remaining after you subtract mandatory deductions from an employee's gross pay.
- **Allowable disposable income** is a percentage of disposable income and is the maximum amount subject to child support withholding.
- You must subtract mandatory deductions to calculate disposable income and allowable disposable income. Mandatory deductions include federal, state, and local taxes; unemployment insurance; workers' compensation insurance; state employee retirement deductions; and other deductions determined by state law.
- Disposable income is not the same as net pay. An employee may have a deduction taken from his or her pay that is not mandatory, such as a car loan payment.

WHY:

- You can only withhold child support from **allowable disposable income**.

HOW:

- Calculate **allowable disposable income** by multiplying **disposable income** by the [CCPA limits permitted by state law](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information>).
- This law sets limits on how much to withhold from a NCP's allowable disposable income. Current family situation and payment history help determine the right limit. Here are the limits
 - 50 percent - Has a second family with fewer than 12 weeks in arrears
 - 55 percent - Has a second family and is more than 12 weeks in arrears
 - 60 percent - Single with fewer than 12 weeks in arrears
 - 65 percent - Single and is more than 12 weeks in arrears

Note: States may adopt the federal limits or set lower ones.

Remember! **Disposable income x the CCPA limit = allowable disposable income.**

You must use the lower limit if the employee is supporting a spouse or child in addition to those named on the income withholding order. The employee does not have to live with the second family to be supporting the family.

TRAINING NOTES

- The CCPA limits that apply to a specific IWO are those allowed by state law of the state that is the employee's principal place of employment or work state.
- Calculating the allowable disposable income is a very simple two-step process: first, determine the disposable income and second, apply the CCPA limit.
- What is the difference between allowable disposable income and net pay? Net pay is the take-home pay, but may include nonmandatory deductions.
- It is the employer's responsibility to withhold according to the limits set by the state CCPA law. You should follow the terms of the IWO exactly.
- If the sender does not check "yes" or "no" in Order Information for the question about arrears greater than 12 weeks, you must assume that the arrears are not greater than 12 weeks. Then, you should withhold 50 percent or 60 percent or a lower state limit, depending on whether the NCP is supporting a spouse or other children.
- Most states use the federal CCPA limits. Check the Income Withholding Requirements matrix to make certain that there is not a lower state limit.
- It is the responsibility of the sender to provide the correct maximum withholding limit. If the sender gives a range of percentages, for example "50 percent – 65 percent," you should return the IWO to the sender requesting a single percentage.

Note: Tell participants to turn to Appendix B: Exercise 2, Calculating Allowable Disposable Income, and Exercise 3, Calculating Maximum Withholding.

FEDERAL AGENCY EMPLOYER NOTES

Note: Turn to Appendix A: How Do I Calculate The Maximum to Withhold for A Federal Employee? if you are a federal agency employer.

WHAT DO I DO WITH IMPUTED INCOME?

WHAT:

- Imputed income means taxable fringe benefits. You do not garnish them for child support.
 - Examples of imputed income:
 - Parking garage fees
 - Non-qualified tuition reimbursement
 - For federal employees, travel incentive allowance

HOW:

- For income tax purposes, add the cash value of the fringe benefits to the employee's regular wages. Then, calculate taxes and withhold taxes on the increased amount.
- For child support, deduct imputed income from net pay after taxes to determine the amount of disposable income.

TRAINING NOTES

- Consider how you treat an allowance for tax purposes.
 - If the allowance is taxable and is not imputed income, then it is subject to child support withholding.
 - If it is considered imputed income (for example, the employee is given a prepaid bus pass), then it is not subject to child support withholding.

Note: Instruct participants to turn to Appendix B: Exercise #4, Imputed Income.

HOW DO I WITHHOLD FOR MEDICAL SUPPORT?

WHAT:

- There are six basic types of health care coverage for a child who does not live with the NCP:
 - The child support order requires the CP to provide coverage through an employer's plan and you withhold medical insurance premiums for a child.
 - The NCP maintains coverage through an employer's plan and you withhold medical insurance premiums for a child.
 - The NCP or CP maintains coverage through a private plan and pays the premiums directly to the plan. You do not withhold medical support.
 - The NCP or CP enrolls the child in a plan designed solely for coverage of children. You may withhold premiums from either the CP's or NCP's pay and send them to the child support agency to send them to the child's insurer.
 - The NCP or CP enrolls the child in a state children's health insurance program because neither parent has access to employer-provided medical insurance coverage.
 - Either or both the CP and NCP pay cash medical support to offset the medical costs of an uninsured child.
- To comply with a medical support order, you must withhold premiums for the employee's child due under a group health plan.
- States have different options and may not offer all of the types of coverage listed above.
- Health insurance available through the [Health Insurance Marketplace](#), also known as the health insurance exchange, meets the Affordable Care Act's definition of minimum essential coverage or minimum value.

WHEN:

- If ordered to do so, you must provide medical insurance coverage to an employee's child when the employee is eligible or enrolls in the family care coverage. If you receive a child support order including medical support, you may add the child to the medical insurance plan without waiting for an open enrollment period.

HOW:

- If you receive a National Medical Support Notice (NMSN), a medical support order from a court, or a Qualified Medical Child Support Order (QMCSO) and family coverage is available, you must:
 - Provide immediate coverage without regard to “open enrollment season,”
 - Provide a method for either the NCP or the CP to enroll the child in the plan, and
 - Deduct premiums from the employee’s pay (within CCPA limits).

TRAINING NOTES

- Remind the class that we covered the definition of child and medical support in Module 2.
- The [Childrens' Health Insurance Program](http://www.medicaid.gov/chip/chip-program-information.html) (<http://www.medicaid.gov/chip/chip-program-information.html>):
 - Is part of the Balanced Budget Act of 1997
 - Is a \$4.8 billion annual federal grant program that helps states cover uninsured children
 - It covers kids in families with income too high for Medicaid but too low to afford private coverage.

FEDERAL AGENCY EMPLOYER NOTES

- A federal agency has the authority to enroll an employee and his or her dependents without his permission if the employee fails to provide the coverage as ordered by the Federal Employees Health Benefits Children's Equity Act of 2000.

WHAT IS A QUALIFIED MEDICAL CHILD SUPPORT ORDER (QMCSO)?

WHAT:

- A **QMCSO** is a medical child support order that gives medical insurance to a child because a parent or employee is eligible for it. It must include certain information and meet other legal requirements.
- An **alternate recipient** is any child of a group health plan participant
- A medical child support order is “qualified” if it provides:
 - Name and last known mailing address of participant (employee)
 - Name and address of alternate recipient (child or designated agency).
 - The order provides an official’s name and address instead of the name and address of the CP and child when domestic violence or abuse has occurred
 - A reasonable description of the coverage or a way to determine the type of coverage
 - Timeframe to which the order applies
- You must honor a **QMCSO** once the health plan administrator decides it qualifies.
- The **NMSN** contains all the necessary elements of a QMCSO and qualifies as a QMCSO.

TRAINING NOTES

- The following information is background for the trainer. You do not need to cover it unless your trainees ask questions.
 - The Omnibus Budget Reconciliation Act of 1993 (OBRA) made big changes in medical insurance requirements placed on employers and insurance companies. OBRA created QMCSOs by requiring both “insured” and “self-insured” plans under Employee Retirement Income Security Act of 1974 (ERISA) to honor QMCSOs. An employer must honor a QMCSO.
 - To standardize the medical withholding format for employers, all IV-D agencies must use the NMSN. States may use the QMCSO in some private child support orders created by private attorneys.
 - The NMSN is a “one size fits all” notice that applies to both ERISA-covered employers and those who are not subject to ERISA.
 - Both the QMCSO and the NMSN respond to the specific statutory requirements of ERISA. The QMCSO and the NMSN come into play only if the health care plan you offer is subject to ERISA. The majority of plans are ERISA-covered.

WHAT IS THE NATIONAL MEDICAL SUPPORT NOTICE (NMSN)?

WHAT: You must respond to the [NMSN](http://www.acf.hhs.gov/programs/css/resource/national-medical-support-notice-form) (<http://www.acf.hhs.gov/programs/css/resource/national-medical-support-notice-form>).

- The NMSN is a “one-size-fits-all” form used for enrolling and processing the child of an employee who must provide medical support.
- The NMSN is actually four documents and instructions:
 - **Part A - Notice to Withhold for Health Care Coverage** - Sent to you with the rest of the packet by the child support agency.
 - **Employer Response** - Complete within 20 business days only if insurance is unavailable, you have terminated the employee or there is not enough income to withhold the premium.
 - **Part B - Medical Support Notice to Plan Administrator** - Forward this document to your health care plan administrator within 20 business days.
 - **Plan Administrator Response** - Completed by the plan administrator using the instructions and returned to the child support agency. The plan administrator notifies you of the employee’s payment once enrollment is complete.

HOW:

- The child support agency sends you the NMSN alone or with an IWO. The agency completes the first page of Part A and the first page of Part B of the NMSN.
- You complete the “Employer’s Response” portion of Part A and return it to the child support agency within 20 business days if:
 - You offer no group health plan, or
 - The employee is not eligible for coverage under the health plan, or
 - The employee has terminated employment, or
 - Withholding limits prevent payment of the employee’s premium for coverage of the child.
- If a group health plan is available and the employee is eligible for coverage, you send Part B to the plan administrator within 20 business days from the date of the NMSN.

TRAINING NOTES

You may cover this section briefly if it does not apply to participants.

- Ask participants to turn to the NMSN and walk them through the four parts.
- We developed the NMSN to help standardize the process of enrolling children in health insurance plans.
- The NMSN is equivalent to a QMCSO, so employers will see fewer QMCSOs over time. Private attorneys may use the NMSN; some private attorneys continue to use QMCSOs.
- The NMSN constitutes a “change in family coverage,” and there is no need to wait for an open enrollment period to enroll the employee’s dependent child.
- A federal agency has the authority to enroll a child even if the employee does not voluntarily do so.

- The plan administrator:
 - Completes the “Plan Administrator Response” (Part B) of the NMSN.
 - Enrolls the child and lets the employer know how much to withhold from the employee’s income to cover payments to the health care plan.
 - Completes the response within 40 business days from the date of the NMSN and returns it to the child support agency.
 - Notifies the employee and the CP of the child’s enrollment and provides claim forms to the CP within 40 business days of the date of the NMSN.
 - Notifies the issuing agency when multiple options are available so they may select the appropriate coverage.
 - Decides if the NMSN is a QMSCO. If it is not a QMSCO, the plan administrator must complete Response 5 on the **Plan Administrator Response** and send it to the child support agency and the parents within 40 business days of the date of the NMSN.
- **Remember:** Both cash child support and medical support withholdings are subject to the CCPA limits or to the limits set by the employee’s work state.

WHAT IF:

- The employee does not earn enough money to pay both the cash child support due and the premium due towards dependent care coverage?
 - You must follow the state law of the employee’s work state to determine how to prioritize the withholdings and which you should pay first.
- Some states require you to pay the health care plan contributions first; other states require you to pay child support payments first. For state-specific information, see the [Income Withholding Requirements \(http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information\)](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) matrix.
- The employee no longer works for the company?
 - You must notify the child support agency about the termination.
 - Use page 2, “Employer’s Response” of Part A to report the termination.

WHAT DO I WITHHOLD WHEN THE EMPLOYEE IS NOT WORKING?

WHAT:

- You must still withhold child support if paying annual leave, sick leave, or workers' compensation. These payments are forms of income.
- If your employee is on "leave without pay" status, you must notify the child support agency immediately, so it will know why you are no longer deducting child support.
- You may tell your employee to continue to make child support payments on his own to avoid accrual of arrears.
- Your employee may also contact the child support agency to request a modification in the support order.

WHEN:

- During the period of absence that your employee receives annual leave, sick leave, or workers' compensation.
- During the time your employee is on "leave without pay" status.

TRAINING NOTES

- In the case of “leave without pay,” child support withholding would, of course, stop. The payroll agency must notify the child support agency of the employee’s change in status even if it is temporary.
- The employee may wish to continue child support payments to avoid accrual of arrears or may request a downward modification of the amount of child support.

FEDERAL AGENCY EMPLOYER NOTES

- In the case of prolonged illness, a federal employee may use available annual or sick leave. You must still deduct child support while the employee is on extended leave.
- An employee ordered to provide medical support will not be able to cancel his or her coverage on the “Employee Express” personnel kiosk.
- Refer to Appendix A: What Is Income Withholding and How Does It Apply To Federal Employers? for more information about withholding from other federal benefits, such as SSA benefits.

NOTES FOR SSA TRAINEES ONLY (IF WITHHOLDING AGAINST DISABILITY BENEFITS)

- If you receive the IWO order while an application for benefits is pending, you must honor it **retroactively** to the date of the IWO.
- You may withhold payments from lump sum payments for child support. You must deduct the monthly support due (up to the CCPA limits for each monthly disability payment) from the lump sum payment back to the disability eligibility date if you receive an IWO on or before that date.
- For instance, if you received the IWO for Mr. Jones in April and issue his lump sum payment in August, you must deduct five months of payments (April – August). Assuming the CCPA limit for Mr. Jones is 65 percent, then you must withhold up to 65 percent of each monthly portion of the lump sum payment (but never more than the monthly amount specified in the income withholding order).

HOW DO I PRIORITIZE AMONG MULTIPLE DEDUCTIONS?

WHAT:

- Sometimes, an employee's earnings do not stretch far enough to pay all his or her garnishments. Specific state laws tell you who to pay first. These laws also protect the employee from having an entire paycheck turned over to a third party.
- [CCPA \(http://www.dol.gov/whd/regs/statutes/garn01.pdf\)](http://www.dol.gov/whd/regs/statutes/garn01.pdf): A federal law that limits how much you may withhold from an employee's pay.
- States have similar laws with limits that are the same as the federal law or lower.

WHEN:

- If you receive:
 - multiple child support orders for different children of an employee, or
 - child support orders and other garnishments for an employee, or
 - child support orders and other involuntary deductions, such as a tax levy or bankruptcy for an employee

TRAINING NOTES

- When you pay an employee his or her regular earnings, you may be able to withhold the full amount of the order. In fact, the employee's earnings are a big factor in determining how much support is ordered. It is only when the paycheck falls short that you may not be able to withhold the full ordered amount.
- If you cannot withhold the full amount of child support due to the CCPA limits, unpaid amounts are overdue debt and are collected in the future or from other sources.
- We will refer to these state laws as "state CCPA laws." Remember, each state has either adopted the federal CCPA law or passed its own law that affords more protection to the employee's pay.
- Rule of Thumb: if an employee has more than one IWO and there are two or more families, apply the lower percentage. One state may not know that your employee is supporting a second family.
- For privacy reasons, the employer should not discuss other child support orders with a CP. Simply say that there are "other claims against the income." The CP may not be aware that the NCP has other children.

HOW DO I HANDLE MULTIPLE CHILD SUPPORT ORDERS?

WHAT:

- Federal law requires that you pay **some money for each order for current child support**. If there is any allowable disposable income left, then you may withhold payments for other types of child support up to the remaining balance. [Each state must have a method \(http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information\)](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) for allocating money among orders.

HOW:

- There are two allocation methods for child support orders:
 - allocate a percentage to each order
 - divide the total dollar amount of the orders equally
- Follow the allocation method set by the employee's work state.
- The examples below show how to determine the amounts to withhold for each order when the employee has three child support orders that total \$227 per pay period.

Example of proration or percentage method: Assume allowable disposable income is \$180, so there is not enough to pay the full \$227.00. Figure out the percentage of the total ordered amount that each order represents and then multiply that percentage times the allowable disposable income.

Order	Amount	Amount/Total	Amount paid on order, if disposable income is \$180.00
A	\$90.00	39.65% (\$90.00/\$227.00)	\$71.37 (\$180.00 x 39.65%)
B	\$75.00	33.04% (\$75.00/\$227.00)	\$59.47 (\$180.00 x 33.04%)
C	\$62.00	27.31% (\$62.00/\$227.00)	\$49.16 (\$180.00 x 27.31%)
Total	\$227.00	100%	\$180.00

HOW DO I HANDLE MULTIPLE CHILD SUPPORT ORDERS? (CONTINUED)

Example of equal method: Assume allowable disposable income is \$180. There are three orders, and each receives an equal amount of child support. Divide \$180 by 3 = \$60 to each order.

Order	Amount	Allowable Disposable Income/Number of Orders
A	\$100.00	$\$180.00/3 = \60.00
B	\$85.00	$\$180.00/3 = \60.00
C	\$90.00	$\$180.00/3 = \60.00
Total	\$270.00	\$180.00

Note: You may receive more than one order from different states or counties for the same child. If this happens, you may follow these steps:

- Continue to honor the first order you received.
- Give your employee a copy of the second order.
- Contact the agency or sender of the second withholding order and inform them that you are already sending payments for the same child to another state. Provide payment information, such as the amount of the withholding and where you pay the withholding.
- Contact the agency or sender of the first withholding order and inform them about the second order you received.
- The issuing agencies must resolve the duplication.

TRAINING NOTES

- Proration or percentage method of allocation
 - Because you must withhold current support first, add the current support amounts for all orders. Then, divide each of the current support amounts by the total to get the percentage each represents of the total.
 - Multiply the percentages by the allowable disposable income to find the amount for each order.
 - If any money remains, follow the same steps for the next type of support in order of priority.
- Equal method of allocation:
 - Divide the allowable disposable income by the number of orders.
 - Only a few states use this method.
- Check the state income withholding contact and program information matrix to see each state's allocation method and priority of types of child support.

Note: Turn to Appendix B: Exercises 5, Applying Allocation Methods; Exercise 6, Calculating Payments for Two IWOs; and Exercise 7, Calculating Payments for Two IWOs (continued).

HOW DO I HANDLE CHILD SUPPORT WITH OTHER GARNISHMENTS?

WHAT:

- You must withhold a child support garnishment before all other garnishments except federal tax levies entered before the child support order. You must withhold more money for child support garnishments than other types of garnishments.

HOW:

- When you have a child support income withholding order and a commercial garnishment for your employee that is paid biweekly:
 - 1) Deduct the child support withholding first.
 - 2) Determine the lesser amount of:
 - The difference between the **biweekly** disposable income (**before** child support withholding) and 60 times the minimum wage ($60 \times \$7.25 = \435.00). Note that you would calculate 30 times the minimum wage for **weekly** disposable income ($30 \times \$7.25 = \217.50).
 - If the biweekly disposable income is LESS than \$435 (or less than \$217.50 for weekly disposable income), nothing is withheld for the commercial garnishment.
 - 25 percent of the biweekly disposable income.
- For the commercial garnishment, you may withhold the difference between the lesser amount figured in step (2) above and the child support deduction.

EXAMPLE 1:

Tony's child support withholding obligation is \$90.00 per week. His biweekly disposable income is \$700. A department store serves a garnishment against Tony for a \$1,000 debt.

- 1) Deduct \$180 for child support from Tony's \$700. Tony is single and is not in arrears, so you withhold up to 60 percent, or \$420, for child support.
- 2) Determine which amount is less:
 - Disposable income minus 60 times minimum wage: $\$700 - \$435 = \$265$ or
 - 25 percent of disposable income: $25\% \times \$700 = \175
 - **\$175 is the lesser of these two amounts.**

HOW DO I HANDLE CHILD SUPPORT WITH OTHER GARNISHMENTS (CONTINUED)?

- 3) You can withhold the difference between the allowed amount for garnishment and the child support deduction for the commercial garnishment. Because the child support deduction of \$180 has already exceeded the allowed amount for garnishment (\$175), you cannot withhold money for Tony's department store garnishment.

TRAINING NOTES

- You can withhold from 50 to 65 percent of disposable income for child support but only 25 percent of disposable income (or the amount of weekly disposable income that exceeds 30 times the minimum wage earned that week if less) for other types of garnishments.
- For biweekly disposable income, the calculation is the difference between the income and 60 times the minimum wage.
- Basically, the employer first withholds for child support from the allowable disposable income and then checks to see if the child support deduction is greater than the limit allowed for other garnishment withholdings.
- If the child support deduction is greater than the limit that you can withhold for other garnishments, you cannot withhold for the other garnishment.
- You can withhold the difference between the child support deduction and the garnishment limit for a non-child support garnishment.

EXAMPLE 2:

Tony's child support withholding obligation is \$70 per week. His biweekly disposable income is \$1,000. A department store serves a garnishment against Tony for a \$1,000 debt.

1. Deduct \$140 for child support from Tony's \$1,000 pay. Tony is single and is not in arrears, so you may withhold up to 60 percent, or \$600, for child support.
2. Determine which is less:
 - Disposable income minus 60 x minimum wage: $\$1000 - \$435 = \$565$
 - 25 percent of disposable income: $25\% \times \$1000 = \250
 - \$250 is the lesser of these two amounts.
3. Calculate the difference between the allowed amount for garnishment and the child support deduction taken: $\$250 - \$140 = \$110$

You may withhold \$110 for Tony's department store garnishment.

TRAINING NOTES

Note: Turn to Appendix B: Exercise #8, Child Support and Other Garnishments.

HOW DO I WITHHOLD FROM BONUSES AND LUMP SUMS?

WHAT:

- Bonuses and lump sums are income that you may garnish to collect past-due child support. Examples include:
 - Severance or buy-out payments
 - Cash awards
 - Incentive payments
 - Vacation payouts

WHEN:

- Some states require employers doing business in their state to report bonus or lump sum payments before paying their employees. These requirements vary and may include a “hold” period before releasing a payment.

HOW:

- You [must report upcoming lump sum payouts in some states](http://www.acf.hhs.gov/programs/css/resource/state-lump-sum-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-lump-sum-contacts-and-program-information>) and may report voluntarily in others.
 - You can use OCSE’s child support portal to report lump sum payments (<http://www.acf.hhs.gov/programs/css/resource/employer-services-web-application-navigation-guide>) to all participating states by uploading a file or entering the information one-by-one. Contact the Employer Services Team, employerserviceswebapp@acf.hhs.gov, if you want to register for Lump Sum Reporting.
 - If you participate in OCSE’s e-IWO program, you may use this process to report lump sum payments.
 - You may report directly to each state agency that sent IWOs to you.
- States respond to you directly and may send you the IWO form, a lien/levy or another state-specific form to tell you to withhold from the payment.
- To calculate the amount to withhold from the bonus or lump sum, take the following steps:
 1. Determine whether the payment is “earnings” as defined by the CCPA.

2. Then apply the correct percentage of allowable disposable income in [State Lump Sum Requirements](#) (<http://www.acf.hhs.gov/programs/css/resource/state-lump-sum-contacts-and-program-information>).
- You must send these payments to the SDU like most employer-withheld payments for child support. Remember, there are exceptions to the rule.

TRAINING NOTES

- CCPA limits apply if the bonus is considered “earnings” as defined by that law, and states may adopt lower limits. State laws determine whether to withhold from lump sum amounts (for example, a payout from an insurance settlement or a one-time “employee of the year” award).
- Lump Sum Reporting on OCSE’s child support portal is a voluntary service that lets you report upcoming lump sum payments before you pay them to an employee.
 - You can report by file uploads or a single employee’s bonus using a secure portal.
 - We match the information you provide with individuals who owe child support and send “hits” to [participating state child support agencies](http://www.acf.hhs.gov/programs/css/resource/states-using-lump-sum-reporting-and-eterm) (<http://www.acf.hhs.gov/programs/css/resource/states-using-lump-sum-reporting-and-eterm>).
 - State agencies will contact you to let you know how much to withhold from the bonus or lump sum.

HOW DO I HANDLE CHILD SUPPORT WITH OTHER VOLUNTARY DEDUCTIONS?

RULE OF THUMB:

- Child support takes priority over everything else except a federal tax levy entered **before** the underlying child support order.
- Special treatment may apply to bankruptcy cases.

FEDERAL TAX LEVY:

- Internal Revenue Service (IRS) levies take priority over child support if they pre-date the child support order.
- If you are withholding to satisfy a tax levy, you should notify the IRS if you receive a child support order. In some cases, the IRS will yield priority to the child support order.

BANKRUPTCY:

- An employee must still pay child support even if declaring bankruptcy. If you receive notice of a bankruptcy filing for an employee, you should continue withholding the child support payments.
- Continue withholding until you receive official notice from the agency or bankruptcy court. A trustee of the bankruptcy court may take over sending the payment.

NOTE:

- Involuntary deductions that always have a lower priority than child support payments, no matter when you receive the child support withholding order:
 - Non-tax federal debt
 - State and local tax levies
 - Creditor garnishment

TRAINING NOTES

- You must withhold a federal tax debt before a child support withholding order if it pre-dates the underlying child support order (which is a different order than the IWO). The IRS may agree to let you withhold the child support first.
 - **If you receive the IRS tax levy first**, contact the IV-D agency and tell them you are already paying a tax levy against this employee. (The agency has no way of knowing that there is an existing IRS levy unless you tell them about it.)
 - **If you receive the child support withholding order first**, contact the IRS and tell them you are already withholding for child support.

BACKGROUND NOTES ON BANKRUPTCY

- You may receive notice that you should no longer withhold child support because a trustee of the bankruptcy court has taken over making the payments.
- Be sure that you have official notification from the agency or bankruptcy court before you stop withholding payments. If you receive a bankruptcy order for an employee and are withholding payments for that person's child support, notify the child support agency that you received the bankruptcy order and also notify the bankruptcy court. Always follow the payment instructions from the bankruptcy court regarding the amount of the payments, where to send them, and the frequency.
- For purposes of withholding against income, the primary difference between a Chapter 7 and a Chapter 13 bankruptcy is the ability to withhold for arrears. In a Chapter 7 bankruptcy, you withhold both current support and arrears during the bankruptcy period. However, in a Chapter 13 bankruptcy, the amount of the arrears owed by the employee becomes part of a payment plan and is generally payable to the bankruptcy court, which then distributes the funds to the creditor or child support agency. The bankruptcy court may modify an IWO to include current support only (which would still be sent directly to the child support agency) with the payment towards the arrears paid to the bankruptcy trustee.
- Chapter 7 is a liquidation, which is usually resolved in a few months; Chapter 13 is a reorganization, which can take two to three years.
- When in doubt, call the child support agency!

WHAT ARE COMMON QUESTIONS ABOUT INCOME WITHHOLDING?

- What should you do if you send an incorrect amount and you immediately realize your error?
 - **Answer:** [Contact the SDU](http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-information>) or other payee and inquire about the requirements and timeframe for a refund. This process varies from state to state.
- What should you do if your employee says the amount withheld is wrong?
 - **Answer:** Tell the employee to contact the agency or court that sent the IWO to dispute the withholding. You have to honor the terms of the IWO.
- What should you do if you are not sure when to stop withholding?
 - **Answer:** Check the IWO to see if there is a stop date in the **Supplemental Information** section. If not, continue to withhold until you receive official notification from the agency or court to change or stop the withholding. Do not stop because your employee tells you to stop.
- What should you do if you receive IWOs for more than one employee from the same state child support agency?
 - **Answer:** You can send a single check or Electronic Funds Transfer (EFT) file for each pay period for all the child support withholdings to the same agency or court. You must include identifying information about each individual's payment with the check or EFT (including the amount withheld for each employee, the date you withheld each amount, and case number or other identifier).

MODULE 5. PAYMENTS

WHAT WILL I LEARN IN THIS SECTION?

At the end of this module, you will be able to:

- List where, when, and how you should send child support payments (or explain where to find this information),
- Define “SDU” and its purpose,
- Name the benefits of electronic payments, and
- List the standard elements required on every U.S. Department of the Treasury check issued for child support payments.

WHERE DO I SEND PAYMENTS?

PRIMARY PAYMENT DESTINATION

- SDU – handles centralized collections and disbursements.
 - The SDU is the single payment processing site for all child support payments sent to a state by employers.
 - All states (except South Carolina) [require employers to send most child support payments to the SDU](http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-information>) for both private orders and those enforced by the state child support agency.
- **Exception:** If the underlying child support order meets any of the following conditions, you must follow the payment direction on the order:
 - Support order initially issued before January 1, 1994, and has never been modified; or
 - Support order initially issued before January 1, 1994, and has no arrearages; or
 - Support order initially issued before January 1, 1994, and is not associated with a case enforced by the child support agency; or
 - Support order issued by a tribal child support agency.
- If you receive an IWO after May 31, 2012, directing payment to a payee other than the SDU, you should return the IWO to the sender. You may also contact the SDU to ask the state agency to redirect payments to the SDU.

TRAINING NOTES

- SDUs make it easier for employers, especially those with employees all over the country.
- You still have to send multiple checks or electronic payments to multiple SDUs, if you have employees who work in different states.
- Ask the participants to name some benefits of centralized collections:
 - Reduced check processing cost
 - Reduced postage and handling cost
 - No lost or stolen checks
 - Electronic Funds Transfer/Electronic Data Interchange (EFT/EDI) availability
 - Faster payments to children and families
 - Fewer calls (about late payments) to employers
- Pre-January 1994 cases may still have payments sent to a custodial parent, court or private attorney. Over time, these cases will age out.
- You must send payments for tribal cases to the payee identified on the IWO.
- Some states require you to send all payments to the SDU, even payments on pre-1994 child support orders.
- For more information, see the [SDU Requirements \(http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-requirements\)](http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-requirements).

FEDERAL AGENCY EMPLOYER NOTES

- Turn to Appendix A: How may federal agencies send payments electronically?

WHERE DO I SEND PAYMENTS? (CONTINUED)

OTHER POSSIBLE DESTINATIONS

- Tribal support orders may require you to send payments to the tribal agency. Follow the directions on the order.

HOW DO I GET A PAYMENT CHANGED TO THE SDU?

- You should contact the state child support agency in the state that issued the underlying child support order to ask them to help you get the payment directed to the SDU. [Contacts for redirecting payments to the SDU](http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-disbursement-unit-sdu-contacts-and-program-information>) are available in every state.
- You should continue withholding and sending payments according to the original directions until you receive a notice to send them to the SDU.
- SDUs encourage the use of EFT/EDI. [Contact the state child support agency](http://www.acf.hhs.gov/programs/css/resource/state-eft-edi-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-eft-edi-contacts-and-program-information>) for information about how to start using EFT/EDI. [Many states/territories](http://www.acf.hhs.gov/programs/css/resource/states-requiring-electronic-child-support-payments) (<http://www.acf.hhs.gov/programs/css/resource/states-requiring-electronic-child-support-payments>) require employers to remit their child support payments electronically.

WHAT IS THE DEADLINE FOR SENDING PAYMENTS?

- Federal law requires employers to remit the payment to the SDU within seven business days of withholding from an employee's pay.
- Individual states may require [remittance in fewer than seven days](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information>).

MODULE 6. TERMINATIONS

WHAT WILL I LEARN IN THIS SECTION?

At the end of this module, you will know how to:

- Notify the IWO sender when an employee terminates or a beneficiary is no longer receiving payments.
- Explain what to do if you rehire a former employee or NCP or an employee retires.

HOW DO I REPORT TERMINATIONS?

WHAT:

- You must notify the child support agency when the employee stops work or retires.
- You may voluntarily notify the child support agency if you are withholding payments for an independent contractor or nonemployee.

WHY:

- To let the child support agency know that you are no longer paying the former employee or beneficiary.
- To allow the child support agency to issue an IWO to a new employer or income withholder if needed.

WHEN:

- As soon as possible after the employee leaves or the payments stop unless you expect the person to return to work.

HOW:

- Return the last page of the IWO form and check the box in the “Notification of Termination of Employment or Income Status” section to let the sender know:
 - the person never worked for you or received periodic income or
 - the person left your employment or no longer receives periodic income.

- Use [Electronic Termination](http://www.acf.hhs.gov/programs/css/resource/electronic-termination-eterm) (eTerm) on OCSE's child support portal (<http://www.acf.hhs.gov/programs/css/resource/electronic-termination-eterm>) to report terminations online:
 - You provide notice that you do not employ the person and receive an acknowledgment indicating whether the information you provided was successfully uploaded to the Employer Services Web Application
 - eTerm generates notification of the termination to the state either through an electronic IWO file (if the state participates) or sends an e-mail to the appropriate state child support agency to let them know terminations are available on OCSE's child support portal.
 - You should contact the Employer Services team, employerserviceswebapp@acf.hhs.gov, to register.

HOW DO I REPORT TERMINATIONS (CONTINUED)?

- If you are using OCSE's e-IWO program, you should use this process to notify states about employee terminations.
- Special Requirements:
 - Some states require employers to report additional information for medical support or insurance purposes to avoid interruption of medical coverage for the child.
 - Keep the IWO in case you rehire the employee (see following section for rehire requirements). The [length of time you should keep orders](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information>) varies from state to state.

TRAINING NOTES

- Keep in mind that you must report terminated employees with child support income withholding orders and people who have never worked for you if you receive an income withholding order for them.
- Employers must report terminated employees because:
 - an employer-employee relationship existed,
 - the employee completed a W-4 form,
 - you submitted a new hire report, and
 - you received an IWO for this person.
- Review three instances when you should stop withholding:
 - You receive official notification from the IWO sender to stop withholding
 - You terminated the employee (for whatever reason)
 - Bankruptcy proceedings are underway and a bankruptcy trustee takes over the withholding

WHAT ACTIONS DO I TAKE IF MY COMPANY REHIRS AN EMPLOYEE?

WHAT:

- When rehiring, you must:
 1. Submit a New Hire report if the employee has been gone at least 60 days or less if state law requires a shorter timeframe.
 2. Reactivate the IWO that you honored before the termination.

TRAINING NOTES

- The requirement to reactivate orders automatically is especially beneficial in those industries that typically undergo seasonal layoffs and rehiring.
- Many terminated (not retired) employees decide to keep health insurance coverage under COBRA until they can re-enroll in the employer's plan.

FEDERAL AGENCY EMPLOYER NOTES

- For federal agencies, you should reactivate employees who have “intermittent status.”
- Federal employees receive medical insurance coverage when they are hired or rehired.

MODULE 7. SUMMARY AND REVIEW

COURSE SUMMARY

- Four basic employer responsibilities:
 - Report newly and rehired employees and respond to employment verification requests
 - Withhold income for child and medical support
 - Send support payments to the SDU or other payee for tribal orders
 - Report terminations
- Four basic income withholder responsibilities:
 - Report independent contractors when a [state \(http://www.acf.hhs.gov/programs/css/resource/state-new-hire-reporting-contacts-and-program-information\)](http://www.acf.hhs.gov/programs/css/resource/state-new-hire-reporting-contacts-and-program-information) requires it and respond to financial verification requests
 - Withhold income for child support
 - Send child support payments to the SDU or other payee
 - Report terminations if desired
- Purpose, benefits, and process of new hire reporting:
 - Purpose: To locate parents to establish and enforce child support orders
 - Benefits: Improves child support collections and helps reduce fraud in unemployment insurance and workers' compensation programs
 - Process: Report your new employee within 20 days of hire
- Calculating the correct amount of child support to withhold:
 - Apply CCPA limits to disposable income to arrive at allowable disposable income available for child support withholding
 - Take into account any imputed income
 - Allocate among multiple child support orders as required by the state law
- Handling medical support:
 - You must enroll the child as your employee's dependent after receiving the NMSN if your company or agency has medical insurance coverage and your employee is eligible.

- A medical support order can require you to:
 - deduct the premiums from the employee's pay
 - withhold an additional cash amount to cover medical expenses or premiums paid by the custodial party
 - withhold both insurance premiums and cash medical payments.
- If you have multiple child support orders for one employee, prorate across all orders or divide equally among all child support orders, so all children receive some child support.
- The Income Withholding Requirements matrix gives [states' choices for allocating child support](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information>).
- Sending child support payments:
 - In nearly all cases, send payments to the SDU
 - Methods include EFT/EDI or in a few instances, mailing a check
 - The deadline for submitting payments is within seven business days, **or sooner**.
- When child support withholding takes precedence:
 - Almost always! (Except when the IRS entered a tax levy before the underlying child support order).
- Your cooperation with the Child Support Program is important because:
 - Over 74 percent of all child support is collected through income withholding.
 - You save taxpayers money and you help kids!
 - Child support collections reimburse public assistance spending and reduce costs for other social programs such as Medicaid and food stamps.
 - You prevent or reduce fraud in claims for unemployment insurance.
 - Better accuracy rates in unemployment claims reduces the amount of unemployment insurance premiums that you have to pay as an employer.
 - You contribute to a more stable workforce.
 - Some of your own employees may be **receiving** child support, and with it, financial peace of mind.

WHERE CAN I GET MORE INFORMATION?

Questions? Send an e-mail the Employer Services Team at employerservices@acf.hhs.gov.

- [Federal Office of Child Support Enforcement website](http://www.acf.hhs.gov/programs/css/) (<http://www.acf.hhs.gov/programs/css/>) links helpful information and to 50 state and U.S. territories websites
- [Information for employers](http://www.acf.hhs.gov/programs/css/employers/) (<http://www.acf.hhs.gov/programs/css/employers/>), such as forms, explanations, and state contacts for a variety of purposes.

FEDERAL AGENCY EMPLOYER NOTES

Note: Turn to Appendix A: Final Review: Child Support Basics for Federal Employees.

Appendix A. **FEDERAL AGENCIES**

WHAT IS NEW HIRE REPORTING FOR FEDERAL AGENCIES?

WHAT:

- All federal agency employers must report every newly hired or rehired employee to the NDNH.

WHEN:

- Timeframes for federal agencies:
 - Report new hires to NDNH within 20 days of date of hire **or**
 - Report in two monthly transmissions not fewer than 12 or more than 16 days apart, if you use electronic transmissions

WHAT IS INCOME WITHHOLDING AND HOW DOES IT APPLY TO FEDERAL EMPLOYERS?

WHAT:

- An IWO is a garnishment for child support and sometimes includes spousal support.
- Income includes any periodic form of payment due to an individual, regardless of source, including wages and salaries, commissions, bonuses, workers' compensation, disability, payments pursuant to a pension or retirement program, and interest.
- Child support may be deducted from the following federal benefits:
 - Pensions
 - Retired/retainer pay
 - Dependents' or survivors' benefits when payable to the obligor
 - Retirement benefits
 - Annuities
 - Refunds of retirement contributions if an application has been filed
 - Amounts received under any federal program for compensation for work-related injuries
 - Benefits received from the federal government under the Longshoremen's and Harbor Workers' Compensation Act
 - Compensation for death under any federal program, including death benefits

- SSA benefits (including Social Security disability and retirement payments but **not** Supplemental Security Income (SSI) benefits)
- Department of Veterans Affairs retirement benefits (in certain instances)
- Railroad Retirement Board benefits
- Black Lung benefits
- Cash awards
- Payment for accrued leave

Note: See Section **How Do I Withhold From Bonuses and Lump Sums?** for additional information about bonuses and lump sums.

HOW:

- You may receive an income withholding order from many entities, including a child support agency, a judge, an attorney, or a private child support agency. Anyone, including the CP, may send the child support IWO to an employer or income withholder. If anyone other than a state child/tribal support agency or a court sends the IWO, he or she must attach the underlying child support order that authorizes withholding from income.
- Anyone sending an order to you to withhold income for child support must use the OMB-approved **IWO** form.
 - The sender can deliver the IWO to you by first-class or certified mail, by fax, by hand, or as allowed by state law.
 - The sender may also transmit the IWO electronically. OCSE's [e-IWO process](http://www.acf.hhs.gov/programs/css/employers/e-iwo) (<http://www.acf.hhs.gov/programs/css/employers/e-iwo>) allows states and employers or income withholders to transmit and receive e-IWO files by secure, electronic means. You may notify states about:
 - the status of IWOs,
 - employee terminations, and
 - upcoming lump sums payments.

FEDERAL ADDRESSES FOR WITHHOLDING

- State child support agencies send IWOs to the federal agency's designated agent.
- You can find the title, mailing address and telephone number of the federal agency's agent in the Federal Register (also, 5 CFR Parts 581 and 582).
- Your agency should send any changes about the agent who receives IWOs to the Office of General Counsel, OPM.
- The federal OCSE also [maintains a list of current federal agency addresses for income withholding and medical support orders](http://www.acf.hhs.gov/programs/css/employers/employer-contact-program-information) (<http://www.acf.hhs.gov/programs/css/employers/employer-contact-program-information>).

HOW DO I CALCULATE THE MAXIMUM TO WITHHOLD FOR A FEDERAL EMPLOYEE?

WHAT:

- **Disposable income** is the amount of earnings remaining after you subtract mandatory deductions from an employee's gross pay.
- **Allowable disposable income** is a percentage of disposable income and is the maximum amount subject to child support withholding.
- The "mandatory deductions" (subtracted to calculate the allowable disposable income) are different for federal employees than for private employees and are as follows:
 - Monies owed by the individual to the U.S. Government
 - Federal employment taxes, fines, and forfeitures ordered by a military court-martial
 - Federal, state, and local income taxes as required by law (including FICA and Medicare)
 - Health insurance premiums
 - Retirement contributions, including Old Age, Survivor, and Disability Insurance amounts
 - Life insurance premiums (not including contributions for supplementary coverage)

WHY:

- You can withhold child support from **allowable disposable income** only.

HOW:

- Calculate **allowable disposable income** by multiplying **disposable income** by the CCPA limits permitted by state law.
- The CCPA sets limits on how much to withhold from a noncustodial parent's allowable disposable income. Current family situation and payment history determine the limit for a specific employee. Here are the limits:
 - 50 percent - Has a second family with fewer than 12 weeks in arrears
 - 55 percent - Has a second family and is more than 12 weeks in arrears
 - 60 percent - Single with fewer than 12 weeks in arrears
 - 65 percent - Single and is more than 12 weeks in arrears

Note: States may adopt the federal limits or set lower ones.

Remember! Disposable income x the CCPA limit = allowable disposable income.

- The sender must give you the limit to use on the IWO for your employee. If you know that the employee is supporting a spouse or child in addition to those named on the income withholding order, you should let the sender know if the percentage is incorrect on the IWO you receive.
- The employee does not have to be living with the second family to be supporting them.
- Health insurance premiums are mandatory deductions for federal employees.
- Thrift Savings Plan (TSP) contributions are considered mandatory deductions for federal employees under the Federal Employees' Retirement System (FERS), even though TSP contributions are voluntary, in an amount the employee chooses. However, TSP contributions are not mandatory deductions for federal employees under the Civil Service Retirement System (CSRS). A TSP for the federal employee corresponds to a 401(k) plan for the private sector employee.

HOW MAY FEDERAL AGENCIES SEND PAYMENTS ELECTRONICALLY?

- The federal government and state child support agencies encourage all income withholders to use electronic payments.
- EFT/EDI is the usual method for sending payments electronically. The Treasury Department, through the Bureau of the Fiscal Service, handles EFT payments. OCSE is working with the Bureau to convert all federal agency paper child support payments to electronic payments.
- We strongly urge federal agencies to begin sending child support payments electronically if they are not already doing so. Although most federal payroll agencies send active and retired federal employees' payments for child support electronically, some still disburse federal benefit payments for child support by paper check.
- Benefits of Electronic Payments:
 - get funds to children faster
 - fewer phone calls from CPs
 - reduce check processing costs
 - more accurate
 - eliminate postage costs
 - safer transactions
- Options for electronic payment
 - Automated Clearing House (ACH) debit transactions, including web-based payment options
 - many states offer web-based payment services to employers
 - [some states and territories](http://www.acf.hhs.gov/programs/css/resource/states-requiring-electronic-child-support-payments) (<http://www.acf.hhs.gov/programs/css/resource/states-requiring-electronic-child-support-payments>) require employers to remit payments electronically
- State- specific contacts and information are on the [EFT-EDI Requirements](http://www.acf.hhs.gov/programs/css/resource/state-eft-edi-contacts-and-program-information) (<http://www.acf.hhs.gov/programs/css/resource/state-eft-edi-contacts-and-program-information>) matrix

WHAT MUST I DO WHEN A FEDERAL EMPLOYEE RETIRES?

WHEN:

- Your employee is not working because he or she retired and receives federal retirement benefits.

HOW:

- Most federal civilian employees are covered by:
 - CSRS or
 - FERS.

WHAT:

- You must still withhold child and medical support.
- You should treat retirement as a termination. Notify the issuing child support agency immediately about the change in your employee's work status from active to retired, so it will know why you are no longer deducting child support.
- The child support agency will send a new IWO to the federal agency or processing center that is paying the retirement benefits.
- If you are responsible for the retirement benefit payments, then you are responsible to withhold child support according to the terms of the order.

NOTES:

- CSRS is the federal retirement plan administered by the OPM that predated the FERS. CSRS still covers some federal employees.
- Employees not covered by CSRS or FERS include employees in:
 - Foreign service
 - Railroad Retirement Board
 - Temporary appointments that receive Social Security only
 - Tennessee Valley Authority retirement program.

FINAL REVIEW: CHILD SUPPORT BASICS FOR FEDERAL AGENCIES

1. Circle the four basic federal agency employer responsibilities for compliance with the child support program:
 - a) Reporting newly hired employees to the NDNH
 - b) Terminating employees with child support withholding orders
 - c) Withholding child support payments from employees' pay when ordered
 - d) Sending withheld child support payments to the Internal Revenue Service
 - e) Sending withheld child support payments to the appropriate state child support agency
 - f) Protecting employees' rights by not responding to requests for employment information from state agencies
 - g) Informing the state child support agency when an employee owing child support is no longer employed by your agency

Answers: a, c, e, and g

2. The New Hire reporting program is important because it allows the child support program to: *(circle all that apply)*
 - a) Find parents to establish and enforce child support orders
 - b) Prevent unlawful or erroneous receipt of public assistance
 - c) Provide very timely data on whereabouts of working parents
 - d) Prevent unlawful or erroneous payment of unemployment insurance to employed persons
 - e) Impound the vehicles used by employees to drive to work

Answers: a, b, c, and d

3. The child support program began in:

- | | |
|---------|---------|
| a) 1955 | c) 1975 |
| b) 1968 | d) 1982 |

and originally provided services to:

- a) Limited population of Aid to Families with Dependent Children (AFDC or welfare) recipients
- b) Orphans under the age of 13
- c) All Americans who applied for child support services.

Answers: c and a

4. Match the acronym with the correct phrase:

- | | |
|------|--|
| NCP | a) Federal Parent Locator Service |
| IV-D | b) Federal Office of Child Support Enforcement |
| SDU | c) Title "Four-D" of the Social Security Act |
| OCSE | d) Noncustodial parent |
| FPLS | e) State disbursement unit |

Answers:

- | | |
|------|---|
| FPLS | Federal Parent Locator Service |
| OCSE | Office of Child Support Enforcement |
| IV-D | Title "Four-Dee" of the Social Security Act |
| NCP | Noncustodial parent |
| SDU | State disbursement unit |

5. Circle the 7 data elements that you must report for every newly hired federal employee:

- a) Employee's Social Security number
- b) Employer's name
- c) Date of birth
- d) Employee's address
- e) The individual's first earned pay (date of hire)
- f) Employer's address
- g) Employer's FEIN (Federal Employer Identification Number)

Answers: a, b, d, e, f, g, h

6. TRUE or FALSE? Electronic transmission of new hire reports to the National Directory of New Hires must occur monthly, not less than 10 days or more than 18 days apart.

Answer: False. Not fewer than 12 days or more than 17 days apart

7. TRUE or FALSE? Child support agencies have the authority to establish child support orders by asking employers to give them financial and medical coverage data for noncustodial parent/employees.

Answer: True

8. TRUE or FALSE? The following steps are in the correct order for determining the amount of child support that may be withheld from a noncustodial parent's paycheck:
- Begin calculating with the employee's gross pay.
 - Deduct the mandatory deductions allowed for federal employees (determine the disposable income).
 - Take the CCPA percentage limit for the employee, based on information in the withholding order (if employee owes 12 weeks or more in arrears; if employee is supporting a second family).
 - Multiply the disposable income by the CCPA percentage to arrive at the allowable disposable income.
 - Deduct the ordered amount of child support up to the total amount of allowable disposable income.

Answer: True

9. After deducting income taxes, health insurance premiums (for the employee) and Thrift Savings Plan contributions, in which order would you make deductions from your employee's paycheck? (please number 1 - 4)

_____ Outstanding tuition payment to USDA Graduate School

_____ Garnishment to creditor

_____ Child support withholding

_____ Tax levy to the Internal Revenue Service

Answers:

3 - Outstanding tuition payment to USDA Graduate School

4 - Garnishment to creditor

2 - Child support withholding

1 - IRS tax levy (if levy pre-dates the underlying child support withholding order)

10. YES or NO? Is imputed income, such as monthly parking garage fees paid by the federal agency-employer, a deduction when calculating the disposable earnings allowed for child support?

Answer: Yes, it is a deduction made in computing allowable disposable income after you compute taxes.

11. TRUE or FALSE? I can ignore the open enrollment season for health care coverage when signing up an employee's child for coverage pursuant to a medical support order.

Answer: True

12. Circle the method(s) used to pay multiple child support orders for a single employee when there is not enough allowable disposable income to pay the full amount of all orders for current support (circle all that apply):

- a) Withhold for the order that was first received.
- b) Withhold a certain percentage for each order based on the total amount owed for all orders.
- c) Withhold an equal amount for each order.
- d) Withhold for the order covering the oldest child.

Answers: b, c

13. YES or NO? Is it possible for a federal employee to take home only 35 percent of his allowable disposable income because I withhold child support?

Answer: Yes

14. IV-D agencies send orders for medical support to employers on a two-part standardized form called the _____. Part A goes to the _____ and Part B goes to the _____. If health coverage is available and the employee is eligible, the employer (does) (does not) have to return Part A to the issuing child support agency.

Answers: National Medical Support Notice; employer; plan administrator; does not

15. Circle the letter below showing the place you will normally send child support payments (remember there are exceptions!):

- a) U.S. Post Office
- b) Private attorney
- c) Custodial party
- d) State Disbursement Unit
- e) Court (Clerk of Court)
- f) Noncustodial parent

Answer: d - usually to the SDU

16. Electronic payments in the form of Electronic Funds Transfer/Electronic Data Interchange (EFT/EDI) offer the following benefits to the federal agency as sender and the state child support agency as receiver (circle all that apply):

- a) Gets money to children faster
- b) Gives a payment discount to the employee/non-custodial parent
- c) Reduces check processing costs
- d) Eliminates postage costs

Answers: a, c, d,

17. When a federal employee with an income withholding order stops work or retires, you should contact (circle all that apply):

- a) Office of Personnel Management
- b) The child support agency that issued the income withholding order
- c) Department of Treasury
- d) The CP

Answer: b

18. TRUE or FALSE? When my company or agency rehires an employee on intermittent status, I must submit a new hire report and reactivate the income withholding order that was in effect prior to the employee's (temporary) termination.

Answer: True

19. FILL IN THE BLANK: Employers all over the country, including federal agencies, collect ____ percent of all child support payments.

Answer: More than 74 percent

Appendix B. EXERCISES

EXERCISE #1: SAMPLE CASE FOR INCOME WITHHOLDING

Jacob Astor married Bridget Quincy in November 2003. After eight years of marriage, they decided to divorce. Their son, Frank, continued to live with his mother in Lincoln, Nebraska after the separation.

- In May 2011, the child support agency ordered Jacob to pay \$100 each week in child support. After the divorce, Jacob moved to Richmond, Virginia.
- In May 2011, the Nebraska child support agency sent an IWO to his new employer in Richmond, the U.S. Department of Fine Works (DFW).
- DFW received the IWO on 5/6/11.
- DFW's payroll is biweekly and the next payday is 5/16/11.

Please complete:

- Date of DFW's first withholding for Jacob _____

Answer: 5/16/11

- Withheld payment must be sent to Nebraska by _____

Answer: 5/23/11 (can allow up to four business days because the DFW agency will send it electronically)

- DFW charges an administrative fee of \$5.00 per income-withholding. Jacob's weekly gross pay is \$800.00. Assume that you take no more than 30 percent of gross pay for mandatory deductions.
 - Based on what we've covered so far, how much should DFW withhold for child support on the next payday? _____

Answer: DFW charges an administrative fee of \$5.00 per income withholding (as per Virginia law).

DFW should withhold for child support \$205.00, since this payroll is biweekly ((\$100/week x 2) + \$5.00)

EXERCISE #2: CALCULATING ALLOWABLE DISPOSABLE INCOME

Let's go back to Jacob Astor, working for DFW in Richmond, Virginia and owing \$100 per week in child support.

Assume that Jacob is four months behind on his payments and was ordered to pay \$25/week in arrears. His total due is \$125 per week. Use the following information to calculate Jacob Astor's **disposable income**.

- Nebraska:
 - Mandatory deductions from pay: federal, state, local income taxes, FICA
 - Exceptions to federal CCPA limits: none
- Virginia:
 - Mandatory deductions from pay: federal, state, local income taxes, FICA
 - Exceptions to federal CCPA limits: none
 - Virginia and Nebraska both follow federal limits – with no second family and Jacob being more than 12 weeks in arrears, the CCPA limit for Jacob is 65 percent, the same limit on the IWO.
- DFW's payday is every other Friday.
- The following deductions are taken from Jacob's biweekly gross pay of \$1600.00:
 - Federal/state/local taxes \$190.00 FICA \$90.00
 - Medicare \$20.00 Health insurance \$50.00

Questions:

1. Jacob's gross weekly pay: \$_____

Answer: Jacob's gross biweekly pay: \$1600.00

2. Subtract mandatory deductions: \$_____

Answer: Subtract mandatory deductions: \$350.00

(federal/state/local taxes, FICA plus other mandatory deductions in each state, if any. Health insurance is a mandatory deduction for federal employees.)

3. Biweekly disposable income: \$_____

Answer: Biweekly disposable income \$1,250.00

EXERCISE #2: CALCULATING ALLOWABLE DISPOSABLE INCOME (CONTINUED)

Remember, the mandatory deductions listed for Nebraska and Virginia do not apply to federal employees. Refer to the Appendix C for a list of deductions allowed for federal employees

- According to the IWO, Jacob Astor owes a total of \$115 per month, and you pay biweekly, so we do not have to worry about the different amounts due for different pay cycles.

Although Nebraska issued the IWO, Jacob works in Virginia, so Virginia law applies to the allowable disposable income calculation.

EXERCISE #3: CALCULATING MAXIMUM WITHHOLDING

Now, calculate the **allowable disposable income** (“maximum withholding”) for this biweekly pay period by applying the CCPA limits to Jacob’s disposable income.

In applying CCPA limits, follow the state law for Jacob’s official duty station state.

1. Biweekly disposable income: \$_____

Answer: **\$ 1,250.00**

2. Multiplied by CCPA limit: _____%

Answer: **65%**

3. Maximum withholding allowed: \$_____

Answer: **\$ 812.50**

Is there sufficient money to withhold the entire amount ordered for Jacob? Yes or no?

Current support \$_____

Arrears \$_____

Administrative fee \$_____

TOTAL: \$_____

Answer: Is there enough money to withhold the entire amount ordered for Jacob for a two-week pay period? (\$200 current + \$50 arrears + \$5.00 administrative fee = \$255.00)?
Yes

If Jacob worked in a different state; however, the cap might be lower even though the IWO specifies 65 percent!

EXERCISE #4: IMPUTED INCOME

Gross weekly pay	\$800.00
Add imputed income: parking garage fees	\$200.00
Taxable earnings	\$_____
Deduct federal/state/local taxes	(\$220.00)
Net pay	\$_____
Subtract imputed income from net pay	(_____)
Amount of disposable income for child support	\$_____

Answer: \$1000.00 taxable earnings (\$800.00 + \$200.00)

\$780.00 net pay (\$1000.00 - \$220.00)

\$580.00 disposable earnings (\$780.00 - \$200.00)

EXERCISE #6: CALCULATING PAYMENTS FOR TWO IWOS

Arthur married and divorced twice. He now lives alone. He had one child with each wife, and he owes child support to both children. He owes \$300 per month in current support and \$50 per arrears for his older child. He is more than 12 weeks in arrears. He owes \$400 per month in current support for his younger child.

Arthur's disposable income is \$2,000 per month. The CCPA limits set by his state follow the federal CCPA limits.

What are the withholding limits for Arthur? _____%

Answer: 55%

Why? _____

Answer: He owes arrears (for more than 12 weeks) and the second child support order shows he supports a second family, even though he does not live with them.

Scenario

Disposable income for child support purposes: \$2000.00

Apply CCPA limit x 55%

Allowable disposable income \$1100.00

Total current support owed (add both orders) \$700.00

Total arrears owed \$ 50.00

Total monthly support owed \$750.00

Is there enough allowable disposable income for you to pay the total monthly support?

Answer: Yes

How much monthly support must you send for Arthur's payment? \$_____

Answer: The full \$750.00.

EXERCISE #7: CALCULATING PAYMENTS FOR TWO IWOS

Let's use the same example with Arthur again. Remember, he has two children and owes \$300 per month in current support and \$50 per arrears for his older child, and \$400 per month in current support for his younger child.

This month, Arthur's disposable income is \$1,000.00 per month. Arthur is subject to the same withholding limits as before, 55%.

Disposable income for child support purposes:	\$1,000.00
Apply CCPA limits	x 55%
Allowable disposable income:	\$550.00
Total monthly support owed (current & arrears) \$	_____

Answer: \$750.00 per month

Is there enough allowable disposable income to pay the total monthly support owed?

Answer: No

How much monthly support must you send for Arthur's payment? First, ask if you can pay all of the current support. The total current support due is \$700.00, and this cannot be paid in full. You cannot pay the \$50 for arrears.

The employer must first check the law of Arthur's principal place of employment. Let's say his state uses the percentage method of allocation.

Answer:

Order A \$300 divided by 700 = 43%

Order B \$400 divided by 700 = 57%

Total \$700

Apply these percentages to the amount available for child support, the allowable disposable income (\$550):

\$550 x 43% = \$236.50 for Order A (short by \$63.50 + \$50 arrears)

\$550 x 57% = \$313.50 for Order B (short by \$86.50)

\$63.50 of unpaid current support will accrue as arrears for Order A and \$86.50 of unpaid current support will accrue as arrears against Order B.

You do not need to track arrears; the child support agency is responsible for this if it is enforcing the order.

EXERCISE #8: CHILD SUPPORT AND OTHER GARNISHMENTS

Scenario 1: Alice's biweekly disposable income is \$400. Her income withholding order is \$80 per pay period. She is single and is not in arrears. A department store serves a garnishment for the wages of your employee, Alice, for \$500.

1. Amount to withhold for child support: \$_____

Answer: \$80 (\$400 x 60% = \$240)

2. Determine which is less:

A. Biweekly disposable income minus 60 times minimum wage = \$_____

Answer to A: \$400 – \$393 = \$7

B. 25 percent of disposable income = \$_____

Answer to B: \$100

Lesser amount of (A) and (B) = \$_____

Answer: \$7

3. **Lesser** amount minus child support deduction = amount to deduct for the department store's garnishment: \$_____

Answer: \$7 – \$80 = 0, so zero is the amount to deduct for the department store's garnishment

Scenario 2: Alice's biweekly disposable income is \$1300. Her income withholding order is \$400 per pay period. She is single and is not in arrears. A department store serves a garnishment against Alice for \$500.

1. Amount to withhold for child support: \$_____

Answer: \$400 (\$1300 x 60% = \$780)

2. Determine which is less:

A. Biweekly disposable income minus 60 times minimum wage = \$_____

Answer to A: \$1300 - \$393 = \$907

B. 25 percent of disposable income = \$_____

Answer to B: \$325.00

Lesser amount of (A) and (B) = \$_____

EXERCISE #8: CHILD SUPPORT AND OTHER GARNISHMENTS (CONTINUED)

Answer: Lesser amount of (A) and (B) = \$325

3. **Lesser** amount minus child support deduction - \$_____

Answer: Amount to deduct for the department store's garnishment = nothing

CODE OF FEDERAL REGULATIONS, TITLE 5, VOLUME 1, PART 581.103

Code of Federal Regulations

Title 5, Volume 1, Parts 1-699

Revised 1/1/14

TITLE 5--ADMINISTRATIVE PERSONNEL

CHAPTER I--OFFICE OF PERSONNEL MANAGEMENT

PART 581--PROCESSING GARNISHMENT ORDERS FOR CHILD SUPPORT
AND/OR ALIMONY

§ 581.103 Moneys which are subject to garnishment.

(a) For the personal service of a civilian employee obligor:

- (1) Saved pay;
- (2) Retained pay;
- (3) Night differentials;
- (4) Sunday and holiday premium pay;
- (5) Overtime pay;
- (6) Standby duty pay, administratively uncontrollable overtime pay, and availability pay;
- (7) Environmental differentials;
- (8) Hazardous duty pay;
- (9) Tropical differentials;
- (10) Recruitment incentives, recruitment and relocation bonuses and retention allowances;
- (11) Equalization allowance;
- (12) Any payment in consideration of accrued leave;
- (13) Severance pay;

- (14) Sick pay;
- (15) Physicians comparability allowances;
- (16) Special pay for physicians and dentists;
- (17) Amounts paid pursuant to a personal services contract where the contractor recipient performed the services and received the payments in the capacity as a Federal employee;
- (18) Merit pay;
- (19) Incentive pay;
- (20) Cash awards, including performance-based cash awards;
- (21) Agency and Presidential incentive awards (except where such award is for making a suggestion);
- (22) Senior Executive Service rank and performance awards;
- (23) Moneys due for the services of a deceased employee obligor, including:
 - (i) Overtime or premium pay;
 - (ii) Amounts due as refunds of pay deductions for United States savings bonds;
 - (iii) Payments for accumulated and current accrued annual or vacation leave as provided for in section 5581 of title 5 of the United States Code;
 - (iv) Retroactive pay as provided for in section 5344(b)(2) of title 5 of the United States Code; and
 - (v) Amounts of checks drawn for moneys due which were not delivered by the governmental entity to the employee obligor prior to the employee obligor's death or which were not negotiated and returned to the governmental entity because of the death of the employee obligor, except those moneys due that are listed in § 581.104(i);
- (24) Locality-based comparability payments or continued rate adjustments;
- (25) Staffing differentials;
- (26) Supervisory differentials;

- (27) Special pay adjustments for law enforcement officers in selected cities;
- (28) Advances in pay; and
- (29) Voluntary separation incentive payments.

(b) For the personal service of an obligor in the uniformed services of the United States:

- (1) Basic pay (including service academy cadet and midshipmen pay);
- (2) Special pay (including enlistment and re-enlistment bonuses);
- (3) Lump sum reserve bonus;
- (4) Continuation pay for physicians and dentists;
- (5) Special pay for physicians, dentists, optometrists, and veterinarians;
- (6) Incentive pay;
- (7) Variable incentive pay;
- (8) Inactive duty training pay;
- (9) Administrative duty pay;
- (10) Academy official pay (other than personal money allowances);
- (11) Any payments made in consideration of accrued leave (basic pay portion only);
- (12) Readjustment pay;
- (13) Disability retired pay;
- (14) Severance pay (including disability severance pay);
- (15) Cash awards (NOAA Corps);
- (16) Special separation benefits; and
- (17) Voluntary separation incentives.

(c) For obligors generally:

- (1) Periodic benefits, including a periodic benefit as defined in section 428(h)(3) of title 42 of the United States Code, title II of the Social Security Act, to include a benefit payable in a lump sum if it is commutation of, or a substitute for, periodic

payments; or other payments to these individuals under the programs established by subchapter II of chapter 7 of title 42 of the United States Code (Social Security Act); and payments under chapter 9 of title 45 of the United States Code (Railroad Retirement Act) or any other system, plan, or fund established by the United States (as defined in section 662(a) of title 42 of the United States Code) which provides for the payment of:

- (i) Pensions;
 - (ii) Retirement benefits;
 - (iii) Retired/retainer pay;
 - (iv) Annuities; and
 - (v) Dependents' or survivors' benefits when payable to the obligor;
- (2) Refunds of retirement contributions when an employee applies for one;
- (3) Amounts received under any federal program for compensation for work injuries; and
- (4) Benefits received under the Longshoremen's and Harbor Workers' Compensation Act.
- (5) Compensation for death under any federal program, including death gratuities authorized under 5 U.S.C. 8133(f); 5 U.S.C. 8134(a); Pub. L. 103-332, section 312; and Pub. L. 104-208, section 651.
- (6) Any payment under any federal program established to provide "black lung" benefits;
- (7) Any payment by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if the former member has waived either the entire amount or a portion of the retired or retainer pay in order to receive such compensation. In such cases, only that part of the Department of Veterans Affairs payment that is in lieu of the waived retired pay or waived retainer pay is subject to garnishment.

[45 FR 85667, Dec. 30, 1980, as amended at 48 FR 26279, June 7, 1983; 55 FR 1356, Jan. 16, 1990; 56 FR 36723, Aug. 1, 1991; 58 FR 35846, July 2, 1993; 59 FR 66154, Dec. 23, 1994; 61 FR 3544, Feb. 1, 1996; 63 FR 14758, Mar. 26, 1998]

§ 581.104 Moneys which are not subject to garnishment.

(a) Payments made pursuant to the provisions of the Federal Tort Claims Act, as amended, sections 1346(b) and 2671 *et seq.*, of title 28 of the United States Code;

(b) Payments or portions of payments made by the Department of Veterans Affairs pursuant to sections 501–562 of title 38 of the United States Code, in which the entitlement of the payee is based on non-service-connected disability or death, age, and need;

(c) Refunds and other payments made in connection with overpayments or erroneous payments of income tax and other taxes levied under title 26 of the United States Code;

(d) Grants;

(e) Fellowships;

(f) Education and vocational rehabilitation benefits for veterans and eligible persons under chapters 30, 31, 32, 35, and 36 of title 38, United States Code, and chapters 106 and 107 of title 10, United States Code;

(g) Contracts, except where the contractor recipient performed personal services and received payments in his/her capacity as an employee of a governmental entity; and

(h) Reimbursement for expenses incurred by an individual in connection with his/her employment, or allowances in lieu thereof, and other payments and allowances, including, but not limited to:

(1) In the case of civilian employees:

(i) Uniform allowances;

(ii) Travel and transportation expenses (including mileage allowances);

(iii) Relocation expenses;

(iv) Storage expenses;

(v) Post differentials;

(vi) Foreign areas allowances;

(vii) Education allowances for dependents;

(viii) Separate maintenance allowances;

- (ix) Post allowances and supplementary post allowances;
- (x) Home service transfer allowances;
- (xi) Quarters allowances;
- (xii) Cost-of-living allowances (COLA), when applicable to an employee in a foreign area or an employee stationed outside of the continental United States or in Alaska;
- (xiii) Remote worksite allowance; and
- (xiv) Per diem allowances.

(2) In the case of members of the uniformed services:

- (i) Position pay (Navy only);
- (ii) Basic allowance for quarters;
- (iii) Basic allowance for subsistence;
- (iv) Station allowances;
- (v) Armed Forces health professions scholarship stipends;
- (vi) Public Health Service scholarship stipends;
- (vii) Travel and transportation allowances;
- (viii) Dislocation allowances;
- (ix) Family separation allowances;
- (x) ROTC subsistence allowance;
- (xi) Allowance for recruiting expenses;
- (xii) Education allowances for dependents;
- (xiii) Clothing allowances for enlisted personnel;
- (xiv) Uniform allowances; and
- (xv) Personal money allowances for General and Flag officers, and for the Surgeon General of the United States.

(3) In the case of volunteers serving under either the Domestic Volunteer Service Act or the Peace Corps Act, all allowances, including, but not limited to, readjustment allowances, stipends, and reimbursements for out-of-pocket expenses.

(i) Moneys due a deceased employee obligor where the amounts are reimbursement for expenses incurred by the deceased employee in connection with his/her employment, or allowances in lieu thereof, including:

(1) Per Diem instead of subsistence, mileage, and amounts due in reimbursement of travel expenses, including incidental and miscellaneous expenses in connection therewith;

(2) Allowances on change of official station;

(3) Quarters allowances; and

(4) Cost-of-living allowances (COLA), when applicable as a result of the deceased employee obligor's having been in a foreign area or stationed outside of the continental United States or in Alaska.

(j) Supplemental Security Income (SSI) payments made pursuant to sections

1381 *et seq.*, of Title 42 of the United States Code (Title XVI of the Social Security Act).

[45 FR 85667, Dec. 30, 1980, as amended at 48 FR 26280, June 7, 1983; 55 FR 1356, Jan. 16, 1990; 56 FR 36724, Aug. 1, 1991; 58 FR 35846, July 2, 1993; 60 FR 5044, Jan. 25, 1995; 63 FR 14758, Mar. 26, 1998]

INCOME WITHHOLDING FOR SUPPORT (IWO) FORM AND INSTRUCTIONS

[2014 Revisions to the Income Withholding for Support \(IWO\) Form and Instructions](http://www.acf.hhs.gov/programs/css/resource/2014-revised-income-withholding-for-support-form-and-instructions) - <http://www.acf.hhs.gov/programs/css/resource/2014-revised-income-withholding-for-support-form-and-instructions>

[Fillable PDF form](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154.pdf) - <http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154.pdf>

NATIONAL MEDICAL SUPPORT NOTICE (NMSN)

[NMSN – fillable PDF form](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0222.pdf) - <http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0222.pdf>

HELPFUL OCSE LINKS

[OCSE Home Page](http://www.acf.hhs.gov/programs/css) - <http://www.acf.hhs.gov/programs/css>

[Employer Services Team E-mail](mailto:employerservices@acf.hhs.gov) - employerservices@acf.hhs.gov

[Employer Services Web Application](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154.pdf) - [employerserviceswebapp@acf.hhs.gov](http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154.pdf)

[Contact and Program Information for Employers](http://www.acf.hhs.gov/programs/css/employers/employer-contact-program-information) - <http://www.acf.hhs.gov/programs/css/employers/employer-contact-program-information>

[Working with Federal Benefit Agencies](http://www.acf.hhs.gov/programs/css/resource/working-with-federal-benefit-agencies) - <http://www.acf.hhs.gov/programs/css/resource/working-with-federal-benefit-agencies>